

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

JOEL BOWEN,

§

Plaintiff,

§ CIVIL ACTION NO. 5:20-CV-00062-RWS-CMC

v.

§

THE BUREAU OF PRISON OF THE
UNITED STATES OF AMERICA, ET AL.,

§

Defendants.

ORDER

Plaintiff Joel Bowen, proceeding *pro se*, filed the above-styled and numbered civil action complaining of alleged violations of his constitutional rights and seeking class certification. The case was referred to the United States Magistrate Judge in accordance with 28 U.S.C. § 636.

Bowen was ordered to pay an initial partial filing fee of \$45.00 in accordance with 28 U.S.C. §1915(b). He received a copy of this order on December 10, 2020, but has not complied or has he responded in any way. *See* Docket No. 28. The Magistrate Judge issued a Report recommending the lawsuit be dismissed without prejudice for failure to prosecute or to obey an order of the Court. Docket No. 29. By separate Report, the Magistrate Judge also recommended denial of Bowen's motion for class certification (Docket No. 6). Docket No. 27.

Bowen received copies of both of these Reports on or before January 25, 2021, but has filed no objections. *See* Docket Nos. 28, 30. Accordingly, he is barred from *de novo* review by the District Judge of those findings, conclusions and recommendations and, except upon grounds of plain error, from appellate review of the unobjection-to factual findings and legal conclusions accepted and adopted by the District Court. *Duarte v. City of Lewisville, Texas*,

858 F.3d 348, 352 (5th Cir. 2017).

The Court has reviewed the pleadings and the Reports of the Magistrate Judge and has determined that the Reports are correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). It is accordingly

ORDERED that the Reports of the Magistrate Judge (Docket Nos. 27, 29) are **ADOPTED** as the opinion of the District Court. Bowen's motion for class certification (Docket No. 6) is therefore **DENIED**. Further, the above-styled civil action is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute or obey an order of the Court.

SIGNED this 2nd day of March, 2021.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE